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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,654	03/29/2004	Grzegorz Guzik	MS302331.1/MSFTP597US	2418

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EXAMINER

ANDERSON, JOHN A

ART UNIT	PAPER NUMBER
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3694

NOTIFICATION DATE	DELIVERY MODE
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12/17/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/811,654	Applicant(s) GUZIK ET AL.	
	Examiner John A. Anderson	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/02/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the claims

1. This action is in response to the application filed on 3/29/2004. Claims 1-30 are pending and are examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 10-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Underwood R, (US Pat No.: 6,718,535).
4. As regards claims 1,12 and 14, Underwood discloses a key performance indicator system comprising: [column 303, lines 3-6]. Underwood discloses a client device user interface component; a processor component adapted to receive KPI identification information from the interface component, retrieve KPI information from one or more data stores generate a result document, and transfer the result document back to the interface component, [Column 2, 8-18].
5. As regards claim 2, Underwood discloses the system of claim 1, wherein the processor component generates a KPI document component that identifies KPIs

to be retrieved based on identification information received from the interface component. [Column 8, lines 51-54]

6. As regards claims 3, 17 and 27, Underwood discloses The system of claim 2, wherein the KPI document includes data store connection information and KPI retrieval information. [Column 16, lines 10-14]
7. As regards claim 4, Underwood discloses wherein the KPI retrieval information includes a filter component specifying a subset of data to be utilized to generate a KPI metric. [Column 280, lines 50-56; Column 309, lines 35-39].
8. As regards claims 5, 7, 16, 20 and 28 Underwood discloses wherein the KPI document is encoded as an XML document, [column 16, lines 13-17]. The examiner interprets XML as an application profile of SGML. This means that any fully conformant SGML system will be able to read XML documents.
9. As regards claim 6, Underwood discloses wherein the result document includes KPI values and information regarding KPI graphics. [Column 121, lines 28-31]

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10. As regards claims 8, 18 and 19 Underwood discloses wherein the processor component is executed by a computer or server remotely located from the client device. [Column 102, lines 44-54]
11. As regards claim 10, Underwood discloses wherein the data store is a relational database. [Column 96, lines 38-44]
12. As regards claim 11, Underwood discloses wherein the data store is multidimensional OLAP database. [Column 122, lines 36-39]
13. As regards claim 13, Underwood discloses wherein the client device is remote from the one or more data stores. [Column 88, lines 24-29]
14. As regards claims 15 and 26, Underwood discloses further comprising retrieving expressions from a data store and utilizing the expression to query the data store. [Column 124, lines 5-17, 21-26]
15. As regards claims 21 and 29, Underwood discloses further comprising transferring the result document to the client device. [Column 2, 16-18]

16. As regards claims 22 and 30, Underwood discloses a computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 14. [Column 13, lines 20-25]
17. As regards claim 23, Underwood discloses receiving data specifying performance indicators of interest; querying at least one remote data store for metric data; and generating a result document containing metric data for a plurality of columns related to one or more performance indicators. [Column 242-243, lines 66-10]
18. As regards claim 24, Underwood discloses wherein the data regarding performance indicators is specified in a KPI document. [Column 303, lines 4-6]
19. As regards claim 25, Underwood discloses wherein the KPI document is generated by a client device. [Column 299, lines 51-57]

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

21. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Underwood R, (US Pat No. 6,718,535) in view of Gelvin et al (US Pat No. 6,735,630).
22. As regards claim 9, Underwood discloses wherein the processor component is executed by a computer or server remotely located from the client device, [Column 102, lines 44-54]. Underwood does not disclose wherein the client device is one of a mobile phone and a personal digital assistant. Gelvin discloses thus, connections to servers 806, database services 820, and other network resources are available, and user 832 can access the network with standard tools. The user or client computer can access the WINS network continuously or intermittently, and may interface via processors of vastly different capabilities according to a particular application (e.g., personal computers, personal digital assistants (PDAs), or bidirectional pagers) It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to utilize the teachings of Gelvin in the device of Underwood. The motivation would have been to provide constant monitoring of events in an environment. [Column 10, lines 1-2]

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Anderson whose telephone number is 571-270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINEE
TECHNOLOGY CENTER 3600

John A Anderson
Examiner